

THE HON'BLE SRI JUSTICE V.V.S.RAO

-
WRIT PETITION No.14235 of 2007

-
09.7.2007

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Between:

Kommu Nageswara Rao, S/o.Tirupalu

...Petitioner

And

The District Collector, Prakasam District

And others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14235 of 2007

ORDER:

The petitioner is Upa Sarpanch. He filed the instant writ petition challenging the resolution of the Gram Panchayat dated 08.5.2007 resolving to take up 59 works under National Rural Job Guarantee Programme. It is mainly alleged and contended that the Sarpanch of the village created a false resolution without actually conducting Panchayat Committee meeting. Petitioner along with five others gave a complaint to the third respondent to take necessary action against the Sarpanch and duly cancel the resolution, which is allegedly pending. Aggrieved by the same, the present writ petition is filed.

After hearing learned Counsel for the petitioner and learned Assistant Government Pleader for Gram Panchayat, this Court holds that the writ petition is wholly misconceived. Learned Counsel for the petitioner does not dispute nor deny that the power to cancel a resolution vests only in the Government under Section 249 of Andhra Pradesh Panchayat Raj Act, 1994 (the Act, for brevity), and it is always open to the District Collector to send a report, after considering the representation of the petitioner made to the third respondent, a copy of which was duly marked to respondents 1 and 2. Petitioner has to pursue the remedy under Section 249 of the Act.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

July 09, 2007

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